

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:06CR61
)
vs.) ORDER
)
ROBERTO M. MORALES, JR.,)
)
Defendant.)

This matter is before the court on the motion for an extension of time by defendant Roberto M. Morales, Jr. (Morales) (Filing No. 52). Morales seeks additional time in which to file pretrial motions in accordance with the progression order (Filing No. 14). Morales has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 61). Morales also seeks the continuance of the trial previously scheduled in this matter. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Morales's motion for an extension of time (Filing No. 52) is granted. Defendant Morales is given until **on or before April 14, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 3, 2006 and April 14, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The trial of this matter will be rescheduled following the disposition of any pretrial motions in case.

DATED this 3rd day of April, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge